IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WRS, INC., d/b/a WRS MOTION PICTURE LABORATORIES, a corporation,

Plaintiff,

vs.

PLAZA ENTERTAINMENT, INC., a corporation, ERIC PARKINSON, an individual, CHARLES von BERNUTH, an individual and JOHN HERKLOTZ, an individual,

Defendants.

CIVIL ACTION

No. 00-2041

ORDER OF COURT

AND NOW, this 23rd day of March, 2006, this Court having conducted an Initial Settlement Conference and the Plaintiff, Defendants, John Herklotz and Charles von Bernuth, as suggested by the Court, having agreed to retain an accountant to review the records of WRS, Inc., with respect to the issue of damages, it is hereby ORDERED as follows:

1. Plaintiff and Defendants, John Herklotz and Charles von Bernuth, shall retain Thomas Claassen of Schneider Downs as a forensic accountant to review the records of WRS, Inc. pertaining to the account of Plaza Entertainment, Inc. to provide a preliminary advisory opinion as to the amount of the outstanding balance on the Plaza Account, if any.

2. Plaintiff and Defendants, John Herklotz and Charles von Bernuth, shall each pay one-third or the cost of the services as required by the retention agreement.

3. Any party may use the report of the forensic accountant retained hereby in their case.

4. No party shall be bound by the report of the forensic accountant and the parties' Agreement does not preclude any party from retaining a separate forensic accountant.

5. All communications with the expert will be joint. The parties agree not to communicate with the accountant ex parte.

6. All parties agree to provide reasonable access to any documents, records, systems, information or persons deemed necessary for the investigation.

BY THE COURT:

J.

CONSENTED TO:

Thomas E. Reilly, Esquire
Attorney for Plaintiff

John W. Gibson, Esquire
Attorney for Charles von Bernuth

John P. Sieminski, Esquire
Attorney for John Herklotz

TOTAL P.03

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